

2001P23305WOUS
Tobias LINKE *et al.*
Appl. No.: 10/516,410

REMARKS

Claim Status

After entry of this Amendment, Claims 1, 2, 4 – 11, 13 and 15 – 18 are pending. By this Amendment, Claims 1, 4, 6 – 10, 13 and 15 – 18 are amended, and Claims 3, 12, 14 and 19 are cancelled. No new matter has been added.

Drawings

The Examiner objects to the drawings under 37 CFR 1.83(a) asserting that the second embossment member of the supporting structure recited in Claim 12 is not shown in the drawings. By this Amendment, Claim 12 is cancelled. The objection to the drawings is, therefore, moot.

Claim Rejections – 35 U.S.C. § 112, first paragraph

The Examiner rejects Claim 12 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement requirement. Notwithstanding the propriety of this rejection, Applicants cancel Claim 12. The instant rejection is, therefore, moot.

Claim Rejections – 35 U.S.C. § 112, second paragraph

The Examiner rejects Claims 4 – 10 and 15 – 19 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. In response, the claims are amended as set forth in the above listing of claims.

More particularly, Claim 4 is amended to depend from Claim 1, which provides proper antecedent basis for “said first slit” and “the first blocking tooth.”

Claim 6 is amended to recite the first and second slits instead of “slits S1 and S2.”

As to Claims 7 and 9, the asserted unclear phrase “arc of equal magnitude” is removed. Similar amendments are made to Claims 15 – 18.

As to Claim 8, which depends from Claim 7, Claim 7 is amended to define that the gear wheel comprises a gear tooth segment and a remaining segment. Claim 8 is amended to refer to the remaining segment.

Further, the claims are amended to correct any noted errors and inconsistencies.

2001P23305WQUS
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In view of the foregoing and the amended claims, Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112, 2nd paragraph.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejects Claims 1 – 11 and 14 – 19 under 35 U.S.C. § 102(b) as being anticipated by McDonnell (U.S. Patent No. 6,070,852). Hence, the Examiner asserts that McDonnell discloses each and every limitation of these claims. Applicants respectfully traverse because McDonnell at least fails to disclose a first flexible end stop being constituted by a first member being flexed at contact collision with the first embossment, as defined in Claim 1.

McDonnell's positioner member 172 is not flexible and does not flex when hitting the wall stop 143. The member 172 is shaped like a ramp, wherein its sloped surface extends away from the surface that hits the wall stop 143, as shown in Fig. 11. (See also, col. 7, lines 5 – 7.) Further, the positioner member 172 extends from the sector gear member 104 via two parallel walls, as shown in Figs. 7 and 8. The ramp shape and that fact that the member 172 is supported by two walls indicate to the skilled person that a rigid and non-flexible structure is intended. McDonnell, therefore, at least fails to disclose a first flexible end stop being constituted by a first member being flexed at contact collision with the first embossment, as defined in Claim 1.

Notwithstanding the propriety of the instant rejections, Claim 1 is amended as set forth in the above listing of claims. More particularly, amended Claim 1 further defines that the first member is constituted by a first blocking tooth integrally formed in the gear wheel by an incision of a first slit having a width selected to absorb shocks at the contact collision without exceeding a breaking limit of the first blocking tooth. The width extends between a side wall of the first blocking tooth and an opposing wall of the gear wheel. Claims 3 and 14 have been cancelled.

Amended Claim 1, therefore, defines that the first member is a blocking tooth formed by an incision of a slit. Regarding the slits defined in Claims 3, 4 and 14, the Examiner refers to Fig. 10 and points to two areas of the lever member 134 at the left and

2001P23305WOUS
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Appl. No.: 10/516,410

right side of the driver member 148. Fig. 5 shows the lever member 134 as having a circular base from which members 146, 148 and arm 150, 152 extend. (Col. 6, lines 14 – 26.) Applicants respectfully disagree that the two areas of the lever member 134 at the left and right side of the driver member 148 show an incision of a slit. Rather, the skilled person would view the members 146, 148 and arm 150, 152 of the lever member 134 as extending from a circular base.

Applicants note that the Examiner may have mixed up features of McDonnell's lever member 134 and gear member 104. In Fig. 10 the member 148 of the lever member 134 overlaps the positioner member 172 of the gear member 104. Only the distal end of the positioner member 172 appears to be visible in Fig. 10. However, Figs. 7, 7A, and 8, which depict the gear member 104 in more detail, do not show areas similar to those asserted by the Examiner with reference to Fig. 10.

The added Claim 1 limitation "the width extends between a side wall of the first blocking tooth and an opposing wall of the gear wheel" is believed to avoid the Examiner's interpretation of "slit."

In view of the foregoing, Applicants respectfully submit that McDonnell does not disclose or suggest each and every limitation of amended Claim 1, and, hence, does not anticipate amended Claim 1. Applicants respectfully request the Examiner to reconsider and withdraw the instant rejection over McDonnell, and to pass amended Claim 1 to allowance.

Claims 2, 4 – 11, and 15 – 18 depend from Claim 1. For this reason and because of the additional inventive features recited in Claims 2, 4 – 11, and 15 – 18, McDonnell does not anticipate these claims, or render them obvious. Applicants respectfully request the Examiner to reconsider and withdraw the instant rejections, and to pass Claims 2, 4 – 11, and 15 – 18 to allowance.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over McDonnell. Claim 13 depends from amended Claim 1. For this reason and because of the additional inventive features recited in Claim 13, Applicants respectfully submit

2001P23305WOUS
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that McDonnell does not disclose or suggest the features of Claim 13. Applicants respectfully request the Examiner to reconsider and withdraw the instant rejection, and to pass Claim 13 to allowance.

Summary of response

Applicants have responded to the rejections in the April 4, 2008 Office Action by presenting the foregoing amendments and arguments. Applicants respectfully submit that Claims 1, 2, 4 – 11, 13 and 15 – 18 are in condition for allowance. Applicants respectfully request the Examiner to withdraw all rejections and to pass this application to the issue process.

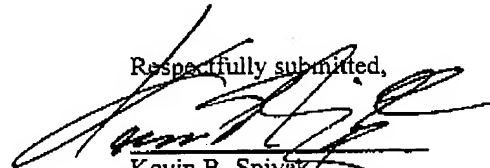
Request for telephone interview

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P23305WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: May 7, 2008

Respectfully submitted,



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